

REMARKS

Claims 1-10, 15-19, 25-34, and 39-43 are pending in the present application. Claims 11-14, 20-24, 35-38, and 44-48 were previously canceled. Claims 15-19 and 39-43 stand withdrawn. Claims 1, 7, 25, and 31 have been amended. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

As an initial matter, Applicants thank the Examiner for providing additional details and clarification regarding the rejections. Applicants also note that the Office Action dropped the references to a football and goalposts as examples, and rather focused on the animated character including the mouth. This is helpful to focus the issues and move the case forward. Again, Applicants thank the Examiner for the clarification.

Claims 25-34 have been rejected under 35 U.S.C. § 101 because the claimed invention is assertedly directed to non-statutory subject matter. In response, Applicants have amended claims 25 and 31 accordingly. Claims 26-30 depend from claim 25, and claims 32-34 depend from claim 31. Accordingly, Applicants respectfully request that these rejections be withdrawn.

Claims 1-3, 5, 25-27, and 29 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent No. 6,369,821 (hereinafter “Merrill”) in view of U.S. Patent No. 6,362,817 (hereinafter “Powers”). Claims 4, 6-10, 28, and 30-34 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Merrill in view of Powers and U.S. Patent No. 7,068,309 (hereinafter “Toyoma”). Applicants respectfully traverse these rejections.

Applicants’ amended claim 1 recites, “at least two of the resources having a different version and part of a display of a single animated character” and “performing the client application with the subset of resources to provide information such that the at least two of the resources are visually presented simultaneously.” As such, Applicants’ claim 1 recites that at

least two of the resources that form part of a single animated character have different version numbers. In view of this language, the Office Action asserted the following.

6. Applicant argued that Merrill failed to disclose at least two of the resources having a different version and part of a display of a single animated character. This is the mouth animation module in column 6, lines 17-27 discloses both the presence of a mouth Animation module and an animation mouth data file, which loads specific image data from the mouth data file. Both are part of a display of a single animated character.

Office Action, page 3. This assertion, however, misinterprets the language of Applicants' claims and/or Merrill.

As noted above, Applicants' claim 1 recites that at least two resources are used to create a display of a single animated character and that those same two resources have different version numbers as the result of referring to "the at least two of the resources are presented simultaneously" in the performing step. By the use of phrase "the," the performing step clearly refers to the resources having different version numbers.

The sections referred to by the Office Action fail to disclose this feature. Assuming for the moment that the characterization of Merrill by the Office Action provided above is correct, nothing in either Merrill, or in the Office Action's discussion of Merrill, addresses this feature of Applicants' claim 1.

In the event that the Office Action is asserting that this feature is inherent in Merrill, Applicants respectfully remind the Examiner that "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." MPEP § 2112 (citations omitted). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.

Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *Id.* (citations omitted). Furthermore, “[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” *Id.* (citations omitted).

In this case, even if Merrill discloses multiple resources and versions, Merrill simply does not disclose that the resources may have different versions. Simply asserting that Merrill teaches that a client application determines if the most recent version is present does not necessarily require that the components have *different* versions. Rather, all of the components may receive a new and equivalent version number upon a new release. As such, it cannot be said that this feature is *inherent*.

Nevertheless, Applicants have amended claim 1 to further recite that “the at least two of the resources are visually presented simultaneously” in an attempt to move this case forward.

In the case that this rejection is maintained, Applicants respectfully request that the Examiner specifically identify the two resources of Merrill that are visually presented simultaneously and that have different versions.

Claim 7 has been amended to recite, “the scene defining an interaction between a plurality of resources simultaneously visually presented to a user and the client application being configured to interpret and execute the scene, at least two of the plurality of resources having a different version.” For reasons similar to those discussed above with reference to claim 1, the cited references fail to teach or disclose these features.

Claim 25 recites features similar to those discussed above with reference to claim 1, and as a result, claim 25 is not disclosed by the cited references for at least similar reasons as those discussed above.

Claim 31 has been amended to recite, “the scene defining interaction between a plurality of resources simultaneously visually presented to a user and the client application being configured to interpret and execute the scene, at least two of the plurality of resources having a different version.” For reasons similar to those discussed above with reference to claim 1, the cited references fail to teach or disclose these features.

In view of the above amendments and remarks, it is clear that claims 1, 7, 25, and 31 are allowable over the cited references. Claims 2-6, 8-10, 26-30, and 32-34 depend from and add further limitations to claims 1, 7, 25, and 31, respectively. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Roger C. Knapp, Applicants' Attorney, at 972-732-1001, so that such issues may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

March 23, 2011
Date

SLATER & MATSIL, L.L.P.
17950 Preston Rd., Suite 1000
Dallas, Texas 75252
Tel.: 972-732-1001
Fax: 972-732-9218

/Roger C. Knapp/
Roger C. Knapp
Attorney for Applicants
Reg. No. 46,836